

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE TRUJILLO,

Plaintiff,

v.

JUNG DAE CHOO, *Trustee of the 2019
Jung Dae Choo and Hyun Sook Choo
Revocable Trust*, et al.,

Defendants.

No. 1:22-cv-01157-SKO

ORDER DIRECTING THE CLERK TO
TERMINATE DEFENDANTS ANTONIO DE
JESUS CERDA dba TACOS LOS PERICOS;
MARIA DEL CARMEN SAGRERO
SALAZAR dba TACOS LOS PERICOS; and
NORA LYNN GARCIA LOZANO dba TACOS
LOS PERICOS

(Doc. 12)

On December 20, 2022, Plaintiff filed a notice of voluntary dismissal with prejudice of Defendants Antonio De Jesus Cerda dba Tacos Los Pericos; Maria Del Carmen Sagrero Salazar dba Tacos Los Pericos; and Nora Lynn Garcia Lozano dba Tacos Los Pericos, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). (Doc. 12.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

1 Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some or
2 all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the
3 action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111 F.3d
4 688, 692 (9th Cir. 1997).

5 Plaintiff filed his notice before Defendants Antonio De Jesus Cerda dba Tacos Los Pericos;
6 Maria Del Carmen Sagrero Salazar dba Tacos Los Pericos; and Nora Lynn Garcia Lozano dba
7 Tacos Los Pericos served either answers or motions for summary judgment. (*See Docket.*) As
8 such, Plaintiff has voluntarily dismissed Defendants Antonio De Jesus Cerda dba Tacos Los
9 Pericos; Maria Del Carmen Sagrero Salazar dba Tacos Los Pericos; and Nora Lynn Garcia Lozano
10 dba Tacos Los Pericos with prejudice, and this case has automatically terminated as to those
11 defendants. Fed. R. Civ. P. 41(a)(1)(A). Accordingly, the Clerk of Court is directed to
12 TERMINATE Defendants Antonio De Jesus Cerda dba Tacos Los Pericos; Maria Del Carmen
13 Sagrero Salazar dba Tacos Los Pericos; and Nora Lynn Garcia Lozano dba Tacos Los Pericos.

14 This case shall remain OPEN pending resolution of Plaintiff’s case against the remaining
15 defendants.

16
17 IT IS SO ORDERED.

18 Dated: **December 21, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE